

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

LASONYA SPIDELL,	:	
Plaintiff,	:	Case No. 3:12cv00039
vs.	:	District Judge Walter Herbert Rice Chief Magistrate Judge Sharon L. Ovington
MICHAEL J. ASTRUE, Commissioner of the Social Security Administration,	:	
Defendant.	:	

DECISION AND ENTRY

This case is before the upon Plaintiff's Motion for Attorney Fees under the Equal Access to Justice Act (EAJA), 28 U.S.C. §2412(d). (Doc. #16). The Commissioner has neither opposed nor responded to Plaintiff's Motion. In the absence of opposition by the Commissioner, Plaintiff's Motion and attached documents establish that she is entitled to an award of attorney fees under the EAJA in the total amount of \$3,835.61. In addition, the EAJA fees belong to Plaintiff and not her attorney and can be offset to satisfy pre-existing debt that Plaintiff owes the United States pursuant to *Astrue v. Ratliff*, 560 U.S. ___, 130 S.Ct. 2521, 177 L.Ed.2d 91 (2010).

Accordingly, the Court hereby **ORDERS** that:

1. Plaintiff's Motion for Attorney Fees under the Equal Access to Justice Act (EAJA),

28 U.S.C. §2412(d) (Doc. #16) is GRANTED, and Plaintiff is awarded attorney fees under the EAJA in the total amount of \$3,835.61.

2. Defendant shall verify, within thirty days of this Decision and Entry, whether or not Plaintiff owes a pre-existing debt to the United States that is subject to offset. If no such pre-existing debt exists, Defendant shall pay the EAJA award directly to Plaintiff's counsel.
3. The case remains terminated on the docket of this Court.



Walter Herbert Rice
United States District Judge